

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 15-0622**

**KRESOCK et al. v. DEPAOLI et al.**

**Appellate Case Information**

Case Filed: 18-Sep-2015  
Case Closed:

**Dept/Composition**

**Side 1. FRANK D. KRESOCK, JR.; RICHARD W. HUNDLEY and law firm of BERENS, KOZUB, KLOBERDANZ & BLONSTEIN, PLC, Plaintiff/Appellant**  
**(Litigant Group) FRANK D KRESOCK, JR. et al.**

• Frank D Kresock, Jr.

• Richard W Hundley  
AZ Bar No. 19829  
Admitted 10/25/99

• The Kozub Law Group

**Attorneys for: Plaintiffs/Appellants**

Richard W Hundley, Esq. (AZ Bar No. 19829)

**Side 2. ROSEMARY T. DEPAOLI; GREGORY MEELL; ABRAM, MEELL & CANDIOTO, P.A., an Arizona professional corporation, Defendant/Appellee**  
**(Litigant Group) ROSEMARY T DEPAOLI**

• Rosemary T DePaoli

**Attorneys for: Defendants/Appellee DePaoli**

Joshua W Carden, Esq. (AZ Bar No. 21698)

**(Litigant Group) GREGORY J MEELL; ABRAM MEELL & CANDIOTO PA**

• Gregory J Meell  
AZ Bar No. 12526  
[Current Member]  
Admitted 5/20/89

**Attorneys for: Defendants/Appellees Meell**

Gregory J Meell, Esq. (AZ Bar No. 12526)

Daniel R Malinski, Esq. (AZ Bar No. 5911)

• Abram Meell & Candioto PA

**CASE STATUS**

Aug 22, 2016....Stayed

Apr 25, 2016.....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2013-055126	Damages and Related Relief		Michael D Gordon, Authoring Judge of Order		

**OPEN DUE DATE**

**Notice of Status of Federal/Bankruptcy Proceedings**

**Due By:** Wednesday, February 22, 2017

*Re: \* ORDERED: staying appeal until further order. FURTHER ORDERED: appellants to advise court within 10 days of any bankruptcy court order terminating stay or dismissing bankruptcy case and to file written notice of status of bankruptcy proceedings on/before*

**52 PROCEEDING ENTRIES**

1.	18-Sep-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/21/15
2.	18-Sep-2015	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	21-Sep-2015	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
4.	2-Oct-2015	RECEIPT No.: 2015-01370 ; \$280.00, Check Number: 15868, Applied to: FRANK D KRESOCK, JR. et al. - Class A Filing Fee (\$280.00) Paid for: Berens Kozub Kloberdanz & Blonstein PLC - By Berens Kozub Kloberdanz & Blonstein PLC
5.	12-Oct-2015	FILED: Case Management Statement; Exhibit A (Appellant)
6.	13-Oct-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7.	2-Nov-2015	FILED: Notice of Appearance; Certificate of Service (Appellee DePaoli)
8.	3-Nov-2015	FILED: Amended Appellee's Notice re: Appellee DePaoli fee paid; Appellee Meell's fee due/Appellant's Brief due
9.	5-Nov-2015	RECEIPT No.: 2015-01542 ; \$140.00, Authorization: #8021755252, Applied to: ROSEMARY T DEPAOLI - Class B Filing Fee (\$140.00) Paid for: Joshua W Carden - By Integrated Resource Systems IN

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10.	18-Nov-2015	RECEIPT No.: 2015-01618 ; \$140.00, Check Number: #026166, Applied to: GREGORY J MEELL; ABRAM MEELL & CANDIOTO PA - Class B Filing Fee (\$140.00) Paid for: - By Abram & Meell PA
11.	18-Nov-2015	FILED: Motion for Extension of Time to File Appellants' Opening Brief; Certificate of Service (Appellant)
12.	24-Nov-2015	FILED: Motion for Stay of Proceedings to Enforce Judgment; Certificate of Mailing; Exhibit A (Appellant)
13.	25-Nov-2015	ORDERED: Motion for Extension of Time to File Appellants' Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 11-20-2015 to Monday, 12-21-2015. Barbara Vidal Vaught ProTem Judge - Author
14.	15-Dec-2015	FILED: Response in Opposition to Motion for Stay of Proceeding to Enforce Judgment; Certificate of Service; Exhibit 1 (Appellee)
15.	15-Dec-2015	FILED: Motion to Accept as Timely Defendants/Appellees' Response in Opposition to Motion for Stay of Proceeding to Enforce Judgment; Certificate of Service (Appellee)
16.	16-Dec-2015	ORDERED: Granting the Motion to Accept as Timely Defendants/Appellees' Response in Opposition to Motion for Stay of Proceeding to Enforce Judgment and accepting the response as filed on 12/15/15. Melina Brill ProTem Judge - Author
17.	17-Dec-2015	RECEIPT No.: 2015-01740 ; \$140.00, Authorization: #50015141422, Applied to: GREGORY J MEELL; ABRAM MEELL & CANDIOTO PA - Overpayment Class B (\$140.00) Paid for: Burch & Cracchiolo PA - By Integrated Resource Systems IN
18.	21-Dec-2015	FILED: Appendix to Appellant's Opening Brief; Exhibit A (to Appendix to Appellant's Opening Brief); Exhibit B (to Appendix to Appellant's Opening Brief) (Appellants)
19.	22-Dec-2015	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellants)
20.	22-Dec-2015	FILED: Notice of Lodging Transcript of Proceedings; Reporter's Transcript – 10/31/2014 - Oral Argument (Rowena E Chenoweth); Certificate of Mailing (Appellant)
21.	22-Dec-2015	FILED: Notice of Lodging Transcript of Proceedings; Reporter's Transcript – 02/09/2015 - Oral Argument (Rowena E Chenoweth); Certificate of Mailing (Appellant)
22.	22-Dec-2015	FILED: Notice Re: Filing of Appellants' Opening Brief; Notice Re: Filing of Appellants' Opening Brief (Duplicate Copy) (Appellants)
23.	23-Dec-2015	FILED: Reply to Response to Motion for Stay or Proceedings to Enforce Judgment; Certificate of Mailing; Exhibits A and B (Appellant)
24.	29-Dec-2015	ORDERED: Motion for Stay of Proceedings to Enforce Judgment(Appellant) = DENIED without prejudice to appellants seeking relief in form of petition for special action. Hon Diane M Johnsen - Author
25.	13-Jan-2016	FILED: Stipulation to Extend Time for Appellees to File Answer Brief; Certificate of Service; Order to Extend Time for Filing Answer Brief (Appellee)
26.	14-Jan-2016	ORDERED: granting motion and extending time for filing all answering briefs to/including 3/9/16. Melina Brill ProTem Judge - Author
27.	19-Jan-2016	FILED: Motion to Supplement Record; Certificate of Mailing (Appellant)
28.	28-Jan-2016	FILED: Letter, 1/28/16, from Court to Burch & Cracchiolo PA, re: Refund of monies submitted in error
29.	16-Feb-2016	ORDERED: Motion to Supplement Record (Appellant) = DENIED without prejudice to reconsideration in event sealed document filed in superior court on 5/11/15 is not included in supplemental record. Barbara Vidal Vaught ProTem Judge - Author
30.	9-Mar-2016	FILED: Appellees' Answer Brief; Certificate of Compliance; Certificate of Service (Appellees Meell, et al.)
31.	9-Mar-2016	FILED: Appendix to Appellees' Answer Brief (Volume 1) (Appellees Meell, et al.)
32.	9-Mar-2016	FILED: Appendix to Appellees' Answer Brief (Volume 2) (Appellees Meell, et al.)
33.	9-Mar-2016	FILED: Notice of Joinder in Briefing; Certificate of Service (Appellee)
34.	29-Mar-2016	FILED: Motion for Extension of Time to File Appellants' Reply Brief; Certificate of Mailing (Appellant)
35.	31-Mar-2016	ORDERED: Motion for Extension of Time to File Appellants' Reply Brief; Certificate of Mailing (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-04-2016 to Monday, 04-25-2016. Barbara Vidal Vaught ProTem Judge - Author

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| 36. | 25-Apr-2016 | FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service   |
| 37. | 26-Apr-2016 | FILED: Request for Oral Argument; Certificate of Service (Appellant)  |
| 38. | 3-May-2016  | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days   |
| 39. | 3-May-2016  | FILED: Request for Oral Argument; Certificate of Service (Appellee)   |
| 40. | 11-May-2016 | ORDERED: Request for Oral Argument (Appellant) and Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author   |
| 41. | 12-May-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record  |
| 42. | 29-Jun-2016 | FILED: Motion for Reconsideration of Order Denying Motion to Supplement Record; Certificate of Compliance; Certificate of Mailing (Appellant)   |
| 43. | 30-Jun-2016 | ORDERED: Any Response to Motion for Reconsideration or Order Denying Motion to Supplement the Record due 07/19/2016. Reply may be file in accordandance with ARCAP 6(a)(2). Melina Brill ProTem Judge - Author  |
| 44. | 20-Jul-2016 | ORDERED: Motion for Reconsideration of Order Denying Motion to Supplement Record (Appellant) = GRANTED. FURTHER ORDERED: directing Clerk of Maricopa County Superior Court to transmit sealed "Declaration of Attorney in Response to Motion to Amend Order Entered 02/11/2015" under seal by 08/04/2016. Hon Maurice Portley - Author  |
| 45. | 25-Jul-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Declaration of Attorney in Response to Motion to Amend Order Entered 02/11/2015)   |
| 46. | 25-Jul-2016 | FILED: Motion to Strike Orders Filed June 30, 2016 and July 20, 2016; Certificate of Service; Exhibit 1 - Declaration of Attorney Daniel R. Malinski (Appellee)   |
| 47. | 27-Jul-2016 | ORDERED: Motion to Strike Orders Filed June 30, 2016 and July 20, 2016 (Appellee) = DENIED. FURTHER ORDERED: If appellees have any objection to supplementing record on appeal with document in question, response to new motion to supplement due 08/08/2016. Melina Brill ProTem Judge - Author   |
| 48. | 5-Aug-2016  | FILED: Notice of Pendency of Bankruptcy; Certificate of Mailing (Appellant)   |
| 49. | 8-Aug-2016  | FILED: Response and Objection to Appellants' New Motion to Supplement the Record; Certificate of Service (Appellee)   |
| 50. | 18-Aug-2016 | FILED: Appellants' Reply to Response and Objection to Appellants' New Motion to Supplement the Record; Certificate of Service (Appellant)   |
| 51. | 22-Aug-2016 | ORDERED: staying appeal until further order. FURTHER ORDERED: appellants to advise court within 10 days of any bankruptcy court order terminating stay or dismissing bankruptcy case and to file written notice of status of bankruptcy proceedings on/before 02/22/2017. Failure to comply may result in sanctions. FURTHER ORDERED: court will rule on motion to supplement the record after stay of the appeal is terminated. Melina Brill ProTem Judge - Author |
| 52. | 19-Oct-2016 | FILED: Notice of Change of Address and of Firm Name for Appellants' Counsel; Certificate of Mailing (Appellants)  |